

1888, art. 27, sec. 211. 1860, art. 30, sec. 138. 1809, ch. 138, sec. 3

330. All murder which shall be committed in the perpetration of, or attempt to perpetrate any arson, shall be murder in the first degree.

Weighorst v. State, 7 Md. 451. *Davis v State*, 39 Md. 375.

Ibid sec. 212. 1860, art. 30, sec. 139. 1809, ch. 138, sec. 3.

331. All murder which shall be committed in the burning or attempting to burn any barn, tobacco house, stable, warehouse or other outhouse, not parcel of any dwelling house, having therein any tobacco, hay, grain, horses, cattle, goods, wares or merchandise, shall be murder in the first degree.

Ibid.

Ibid sec. 213. 1860, art. 30, sec. 140. 1809, ch. 138, sec. 3.

332. All murder which shall be committed in the perpetration of, or attempt to perpetrate any rape, sodomy, mayhem, robbery, or burglary shall be murder in the first degree.

Ibid.

Ibid sec. 214. 1860, art 30, sec. 142. 1809, ch. 138, sec 3.

333. All other kinds of murder shall be deemed murder in the second degree.

Ibid. sec 215. 1860, art 30, sec. 143. 1809, ch. 138, sec. 3

334. And the jury before whom any person indicted for murder shall be tried shall if they find such person guilty thereof ascertain in their verdict whether it be murder in the first or second degree ; but if such person be convicted by confession, the court shall proceed, by examination of witnesses, to determine the degree of the crime, and to give sentence accordingly ; and every person liable to be prosecuted for petit treason shall in future be indicted, proceeded against and punished as is directed in other kinds of murder, according to the degree.

State v. Flanagan, 6 Md 167. *Weighorst v. State*, 7 Md. 451. *Ford v. State*, 12 Md 514. *Davis v State*, 39 Md. 375. *Williams v. State*, 60 Md. 402.

Ibid. sec. 216. 1860, art 30, sec. 144. 1809, ch. 138, sec. 4.

335. Every person convicted of murder in the first degree, his or her aiders, abettors and counsellors shall suffer death.

Ibid. sec 217. 1860, art. 30, sec 145 1809, ch. 138, sec 4.

336. Every person convicted of the crime of murder in the second degree, or as accessory thereto, shall be sentenced to